



E. Chase  
8-10-99

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: ) Group Art Unit: 3304  
S.D. AUGUSTINE ET AL )  
Serial No. 08/855,061 ) Examiner: M. Graham  
Filed: May 13, 1997 ) Docket No.: AUGA01000012  
For: THERMAL BLANKET )

23 | Disclosure  
| Statement

TC 3700 MAIL ROOM

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Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

**COMMUNICATION**

Accompanying this paper is an Information Disclosure Statement. On December 21, 1998, a CPA with a Petition to Suspend Prosecution was filed in the USPTO for the subject application. Because of the status of litigation related to the subject matter and priority of this application, the suspension was granted by an Office Action dated March 17, 1999. The litigation has now been heard on appeal by the Court of Appeals, Federal Circuit. The accompanying Information Disclosure Statement forwards a copy of the Decision on Appeal. Subsequent to the decision, Augustine Medical, Inc., the owner by assignment of this patent application, submitted a Petition For Rehearing And Suggestion For Rehearing In Banc, a copy of which is attached. As of this date, the Federal Circuit has not ruled on the Petition, but has asked that Gaymar and Mallinckrodt respond to the petition.

Respectfully submitted,

TERRANCE A. MEADOR  
Registration No. 30,298

Date: 15 July 1999

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GP3711  
PTO/SB/21 REV 1 (12/97)

Approved for use through 09/30/2000. omb 0651-0032

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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TRANSMITTAL FORM

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|                      |                      |
|----------------------|----------------------|
| Application Number   | 08/855,061           |
| Filing Date          | 05/13/97             |
| First Named Inventor | S.D. Augustine et al |
| Examiner Name        | Graham               |
| Group Art Unit       | 3711                 |

Total Number of Pages in This Submission

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Attorney Docket Number

AUGA01000012

ENCLOSURES (check all that apply)

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| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)                                   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences           |
| <input type="checkbox"/> Amendment/Response   | <input type="checkbox"/> Licensing-related Papers                     | <input type="checkbox"/> Appeal Communication to Group<br>(Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition Checklist and Accompanying Petition | <input type="checkbox"/> Proprietary Information  |
| <input type="checkbox"/> Extension of Time Request  | <input type="checkbox"/> To Convert a Provisional Application         | <input type="checkbox"/> Status Letter  |
| <input type="checkbox"/> Express Abandonment Request  | <input type="checkbox"/> Power of Attorney, Revocation                | <input checked="" type="checkbox"/> Additional Enclosure<br>(please identify below)           |
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| <input type="checkbox"/> Certified Copy of Priority Document(s)   | <input type="checkbox"/> Terminal Disclaimer                          |   |
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Remarks:

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

|                         |   |
|-------------------------|---|
| Firm or Individual Name | Terrance A. Meador<br>Reg. No. 30,298<br>GRAY CARY WARE & FREIDENRICH |
| Signature               |   |
| Date                    | 15 July 1999  |

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:  
Assistant Commissioner for Patents, Washington, D.C. 20231 on this date: 15 July 1999

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| Typed or printed name | Terrance A. Meador | Date | 15 July 1999 |
| Signature             |                    |      |              |